

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

Division

Case No.

21-CV-3101

(to be filled in by the Clerk's Office)

Andy Ortiz

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.  
If the names of all the plaintiffs cannot fit in the space above,  
please write "see attached" in the space and attach an additional  
page with the full list of names.)

-v-

CIO: S. Blacksheer, CIO: A. Jones

Sgt. V. White, LT. G. Malloy, CIO: C. Carmora  
CIO: Robbinson, LT. Cheek, CIO: L. Jones, Deputy  
Warden: E. Cruz Deputy Warden: R. Rose, Blanch Carney

PDP Commissioner

Defendant(s) C.F./C.F.

(Write the full name of each defendant who is being sued. If the  
names of all the defendants cannot fit in the space above, please  
write "see attached" in the space and attach an additional page  
with the full list of names. Do not include addresses here.)

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

(Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## I. The Parties to This Complaint

### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Andy Ortiz PP#1212917</u>		
All other names by which you have been known:	<u>Wyo Snoop, Iliu, Andrew, Emmanuel</u>		
ID Number	<u>MR. Ortiz</u>		
Current Institution	<u>Curran-Fromhold-Correctional-Facility</u>		
Address	<u>7901 State Road</u>		
	<u>Philadelphia</u>	<u>PA</u>	<u>19136</u>
	<u>City</u>	<u>State</u>	<u>Zip Code</u>

### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

#### Defendant No. 1

Name	<u>C/o: S. BlackSheer</u>		
Job or Title ( <i>if known</i> )	<u>Correctional Officer</u>		
Shield Number	<u>Badge # unknown</u>		
Employer	<u>Curran-Fromhold-Correctional-Facility</u>		
Address	<u>7901 State Road</u>		
	<u>Philadelphia</u>	<u>PA</u>	<u>19136</u>
	<u>City</u>	<u>State</u>	<u>Zip Code</u>

Individual capacity     Official capacity

#### Defendant No. 2

Name	<u>C/o: A. Jones</u>		
Job or Title ( <i>if known</i> )	<u>Correctional Officer</u>		
Shield Number	<u>Badge# unknown</u>		
Employer	<u>Curran- Fromhold- Correctional -Facility</u>		
Address	<u>7901 State Road</u>		
	<u>Philadelphia</u>	<u>PA</u>	<u>19136</u>
	<u>City</u>	<u>State</u>	<u>Zip Code</u>

Individual capacity     Official capacity

## Defendant No. 3

Name C/I: C. Carmona  
 Job or Title (*if known*) Correctional Officer  
 Shield Number Badge # unknown  
 Employer Cumman-Fromhold-Correctional Facility  
 Address 7901 State Road

<u>Philadelphia</u>	<u>PA</u>	<u>19136</u>
City	State	Zip Code

Individual capacity     Official capacity

## Defendant No. 4

Name LT. G. Malloy  
 Job or Title (*if known*) Super Visor  
 Shield Number Badge Badgett Unknown  
 Employer Philadelphia prison System  
 Address 7901 State Road

<u>Philadelphia</u>	<u>PA</u>	<u>19136</u>
City	State	Zip Code

Individual capacity     Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)  
 State or local officials (a § 1983 claim)

## B: Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

My Due process clause, Restrictive or inhumane conditions of confinement  
 USE OF EXCESSIVE FORCE by guards. Failure to provide adequate exhaustion of administrative  
 remedies. See, Farmer v. Brennan when prison official ignore serious danger. 8th amendment  
 Federal rights, Bill of rights, Constitutional rights. 5th amendment See, Wongwing v. U.S.  
 Dealing with violent and abuse and retaliation, protect conduct 1st amendment right, adverse action  
 causal connection. Campaign of harassment. See, Gomez v. Vernon. 255 - serious medical need

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

C/o.s. Blacksheer have inmates to assault me due to me reporting him to PI-LP  
C/o. A. Jones have inmates to assault me too. Inmate's Rashone Camber, Donte Parker, Eric Medail  
where the one who assaulted me. Nov. 6 or Oct 6 I reported to this to PI-LP  
Sgt. V. White and LT. G. Malloy and Deputy Warden Cruz and Deputy Warden Rose and Blanche Carney  
wrote grievances to insure of my safe while on protective custody but had failed to do so  
when I asked for housed alone status was refuse by all of them. C/o. C. Carmona had an inmate to  
assault me cause I was try to report him. Inmate unknown I report it. LT. Cheek and other officers  
working the block same day being report was assaulted and almost stabbed by an inmate. LT. Cheek's  
and officer never wrote it up or send me to medical. C/o. Robinson did not tell or report when Cheek's  
place me house alone say due to supervisor request or orders. Some of these  
Incident happen on PC and some on general population report on grievances.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

Pretrial detainee  
 Civilly committed detainee  
 Immigration detainee  
 Convicted and sentenced state prisoner  
 Convicted and sentenced federal prisoner  
 Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On protective custody block with listed Defendants C/o.s. Blacksheer & C/o. A. Jones  
C/o. Robinson C/o. LT. Jones and LT. Malloy Deputy Warden Cruz and Deputy Warden Rose  
Inmate Donte Parker and Eric Medail and Rashone Camberg and other inmates  
assault me on PC. While on general population LT. Cheek and C/o. C. Carmona  
Inmate Naim Woodley almost stabbed but assaulted on C2-4 unit I was on GCF

C. What date and approximate time did the events giving rise to your claim(s) occur?  
Nov. 6 or Oct 6, 2020 was reported by Dr to P-I-H-P on CIO.S. Blacksheer  
and CIO A. Jones on assaults, 3rd shift after official visit.  
Other incident been reported But forgot about the dates.  
Also volunteerly walked to medical to report my ~~stutter~~ problems as soon  
as it happen.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?  
Was anyone else involved? Who else saw what happened?)

CIO. C. Carmona have an inmate to slap me in the face and assault me  
cause, I try to report him on a grievance but did not cause, he said he  
will do it again another CIO saw what happen in the bubble.  
My celly assault me almost stab me officer's two of them unknown.  
LT. Cheek was notifify but did not right it up or send me down to a medical  
CIO. A. Jones and CIO. S. Blacksheer pop my door open to assault me I came  
out with my shirt off I report on grievance and memo sheet to LT. C.I.  
Malloy, CIO. L. Jones and all the above failure to protective violated federal right  
Bill of rights CIO. Bobbinson Failure to protect while on (PC) Protective custody by two  
Inmates attack me. Sgt. V. White, Deputy warden Cruz and Deputy warden Rose  
Branche andley Commissioner Failure to protect and keep me safe  
when I filed it all off grievances. Form

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Swallowing face , lumps and nose bleed was force to heal in the cell .  
PTSD Dealing with pain and suffering from mental Health illness .  
TALKING Slower and respond to question take me awhile to respond ,  
Getting hit in the head alot cause me to talk and think slower  
to react to things.

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

5million U.S DOLLAR All together with my civil suit cases.  
TO The Eastern District Courts of PA.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  
 No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Curran - Fromhold - Correctional - Facility

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes  
 No  
 Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes  
 No  
 Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

I report all the incident listed above in this packet  
I filed it at the curran-Fromhold-Correctional-Facility  
also thru mail to Blanche carney and Deputy warden-cruz  
and Deputy warden Rose office. AS TO PELP

2. What did you claim in your grievance?

my right's where being violated and Federal right's was  
being violated and my Bill of rights. ASK demand 5 million  
U.S DOLLARS. To The Eastern District courts.

3. What was the result, if any?

NONE waiting to no avial ,

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Keep writing grievances form until they get responded.  
Contact all supervisor Blanche carney, LT. G.Malloy Sgt V. White,  
Deputy wardens Cruz and Rose.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Some of the incident I did not cause inmate said they will stab me and Clos correctional officer said they will have inmate to come assault me if I was to report them again.

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

5 million U.S Dollars to Eastern District courts.

All the above what's is listed above

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G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Contact Blanche carney Commissioner of prison wait ton or qual and Deputy wardens CRUZ and ROSE RIKP and Yall I reported.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) Andy Ortiz

Defendant(s) CIO:Amazon CIO:Bailey CIO:Bennett

2. Court (*if federal court, name the district; if state court, name the county and State*)

Eastern District of PA

3. Docket or index number

21-CV-3104

4. Name of Judge assigned to your case

Judge: Gerald J. Paupert

5. Approximate date of filing lawsuit

February , 24 - 2021

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

Not yet.

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) Andy Ortiz

Defendant(s) P.I.CC

2. Court (*if federal court, name the district; if state court, name the county and State*)

Eastern District of PA

3. Docket or index number

3813 21-CV-3813

4. Name of Judge assigned to your case

Judge: Gerald J. Pappert

5. Approximate date of filing lawsuit

July or June 7 - 2021

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

NOT yet!

## IX. Certification and Closing

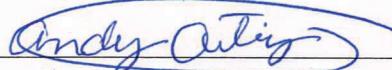
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12- 9 -21

Signature of Plaintiff



Printed Name of Plaintiff

Andy Ortiz

Prison Identification #

PP# 121291Y

Prison Address

C.F.CF 7901 State Road

Philadelphia

City

PA

19136

State

Zip Code

### B. For Attorneys

Date of signing:

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Address



City

State

Zip Code

Telephone Number



E-mail Address



Andy Ortiz | C.F.C.F | 02-2  
Philadelphia Department of Prisons  
Philadelphia, PA 19136  
PPN 1212917  
7901 State Road  
Philadelphia, PA 19136

( legal )  
mail



U.S.M.  
X-RAY'S.

Eastern District of PA  
Clerk of Courts, EDPA  
James A. Byrne U.S. Courthouse  
DEC 17 2021 Room : 2609  
Market Street  
Philadelphia, PA, 19106



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